

REMARKS

The Office Action dated August 27, 2003 has been reviewed and carefully considered. Claims 1-6 remain pending in this application, of which the independent claim is 1. Reconsideration of the application in view of the following remarks is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 4,961,177 to Uehara in view of Japanese Patent JP 411249227A to Shirai et al. ("Shirai") and German Patent DE 4028670 A1 to Schaffrina.

As acknowledged in item 1 of the Office Action, Uehara fails to disclose or suggest "An electronic apparatus (1) . . . including halting means (3) to which the speech signal input means (4) are mechanically connected, . . . characterized in that . . . picture recording means (31) are provided which are mechanically connected to the halting means . . . consequently, the connected speech signal input means and picture recording means (31) can be driven by the picture evaluation means (33) to adjust the picture recording means (31) so that the recorded body area lies within the nominal range (XY).

The Uehara apparatus is configured to interface with a speaking person without requiring the person to use his or her hands (col. 5, lines 20-22: "even when both hands are occupied, easy entry of an ID number or any other information can be achieved by speaking"; FIG. 1 (no keyboard or keypad); FIG. 2). The system functions automatically with the only user intervention being speech (col. 4, line 29 – col. 5, line 4).

Item 1 of the Office Action says, in effect, that the Shirai automatic adjusting of a camera vertically would have suggested a similar automatic vertical adjustment to the camera 22 in FIG. 2 of Uehara, but acknowledges that the combination would still not feature vertical movement of the Uehara microphone 12. To make up for the deficit, Schaffrina is cited, which is directed to a video telephone box having a user panel including a screen and video camera. A microphone is located on either side of the screen. The height of the user panel may be adjusted to suit the user. The user panel allows inputs in the form of push button selections. It is clear from this description and the drawing that the user panel is manually adjusted by the user to match his or her height. By contrast, and as mentioned above, Uehara deals with a system that operates automatically without user intervention other than speech. It is not clear how Schaffrina can be fairly said to teach detachment of the Uehara microphone 12 from its tilting servo mechanism and movement of the detached microphone into fixed connection with the movable camera.

Uehara, in fact, teaches away from the idea of modifying its microphone configuration. Although Uehara recognizes the voice recognition is a developing area (col. 1, lines 50-52), and that its voice recognition technology may require the speaker to repeat words and to enunciate more slowly (col. 4, lines 53-56), Uehara reveals not the slightest hint that its microphone 12 of sharp directivity is other than optimal (col. 3, lines 41-43: "Control of the direction of the microphone 12, is one of the distinctive features of the present apparatus"; col. 5, lines 11-20: "According to the present apparatus, the microphone 12 with a sharp directivity can be effectively directed toward the mouth of

the person C, thereby resulting in reliable collection of the speech made by the person at a high S/N ratio. The sharply directional microphone 12 used herewith can be provided at a distance from the person C without any loss in S/N ratio. Consequently, the person can speak unaffected by the presence of the microphone 12, and the person will not feel that he is forced to speak to the system.”)

In determining the differences between the prior art and the claims, the question under **35 U.S.C. 103** is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) MPEP 2141.02.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions **that would lead away from the claimed invention**. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983) MPEP 2141.02 <bold font added for emphasis>.

Since the primary reference, Uehara, teaches away from the modification proposed, it is believed that the Uehara/Shirai/Schaffrina combination suggested in the Office Action would not have been obvious for at least this reason. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. 103(a) as unpatentable over Uehara in view of Shirai, Schaffrina and “Touchscreens now offer compelling uses” by Schneiderman.

Claim 6 depends from claim 1, and Schneiderman cannot compensate for the deficiencies in Uehara. Reconsideration and withdrawal of the rejection is respectfully requested.


For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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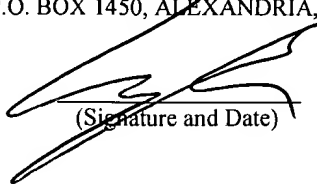
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